

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**Aria Jo Reyna, Individually and as Next §
Friend of R.I., a minor child §
PLAINTIFFS §**

Civil Action No.: 5:15-CV-01125

vs. §

**UNITED STATES POSTAL SERVICE §
Government Entity, §
DEFENDANT §**

**PLAINTIFF, ARIA JO REYNA, INDIVIDUALLY AND AS NEXT FRIEND OF R.I., A
MINOR CHILD's, COMPLAINT AND JURY DEMAND AGAINST DEFENDANT, UNITED
STATES POSTAL SERVICE – FEDERAL TORT CLAIMS ACT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiffs, Aria Jo Reyna, Individually and as Next Friend of R.I., a Minor Child, complaining of and about Defendant United States Postal Service, and for their causes of action would show unto the Court that this matter arises from a motor vehicle accident occurring in San Antonio, Texas on December 23, 2013, in which Plaintiffs suffered bodily injuries.

THE PARTIES

1. At all times material to this action, Plaintiffs, Aria Jo Reyna, Individually and as Next Friend of R.I., a Minor child were residents of the City of San Antonio, County of Bexar, and State of Texas.

2. Defendant United States Postal Service is a Government Entity who, at all time material to this action, is located in the City of San Antonio, County of Bexar, Texas.

JURISDICTION

3. This action is brought and jurisdiction lies with this Court pursuant to 28 U.S.C. §1346(b)(1), as a division of the United States Government is a Defendant in this Tort action.

VENUE

4. Venue is proper in this Court because the Plaintiffs reside in the State of Texas and in this District. Defendant, United States Postal Service is a Government Agency and is located in the State of Texas and in this District.

CONDITIONS PRECEDENT

5. Plaintiffs', Aria Jo Reyna, Individually and as Next Friend of R.I., a minor, timely presented this claim on June 5, 2015 in writing to the United States Postal Service. Defendant, United States Postal Service acknowledged receipt of Plaintiffs' claim for damages on June 10, 2015. Defendant, United States Postal Service failed to make a final disposition of the claim within six months after it was presented.

GENERAL FACTUAL ALLEGATIONS

6. On or about December 23, 2013, Plaintiff Aria Jo Reyna was operating a 2000 Mitsubishi Eclipse and was traveling south on Vance Jackson in the right lane in Bexar County, San Antonio, Texas.

7. At that time and place, Silas Johnson, an employee of Defendant United States Postal Service was traveling northbound on Vance Jackson Road, in San Antonio, Bexar County, Texas.

8. Silas Johnson, an employee of Defendant, United States Postal Service, negligently and recklessly operated the vehicle he was driving when he suddenly and without warning failed to drive in a single lane, turning into Plaintiffs' lane of traffic, violently striking Plaintiffs' vehicle

head-on.

9. As a result of the negligence of Defendant, United States Postal Service, Plaintiffs', Aria Jo Reyna, Individually and as Next Friend of R.I., a minor, sustained injuries and damages as described more specifically herein below.

FEDERAL TORT CLAIMS ACT

10. Plaintiff, Aria Jo Reyna realleges the foregoing paragraphs as if fully set forth herein and further allege as follows:

11. On the aforementioned occasion, the acts or failures of Defendant, United States Postal Service were negligent both specifically and *per se* in the following respects, which either singularly or in combination with other acts and proximately caused the event in question.

12. Specifically, Silas Johnson was an employee of Defendant, United States Postal Service and was acting in the course and scope of his employment and had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Under the laws of the State of Texas, a private person would be liable to plaintiffs, Aria Jo Reyna, Individually and as Next Friend of R.I., a minor, for failure to operate a vehicle on the public streets in a safe manner. Under 28 U.S.C. § 2674, the United States is liable to Plaintiffs', Aria Jo Reyna, Individually and as Next Friend of R.I., a minor for their damages resulting from Silas Johnson, an employee of Defendant, United States Postal Service failure to maintain a proper lookout, which caused the head-on collision with Plaintiffs' vehicle. Alternatively, Defendant, United States Postal Service is liable for the conduct and negligence of their employee, Silas Johnson via Respondent Superior Principles.

13. Silas Johnson, an employee of Defendant, United States Postal Service, operated his vehicle in a willful and wanton disregard for the safety of persons and property, including Plaintiffs, which constitutes common law negligence and negligence *per se* in violation of the Texas Transportation Code § 545.401(a);

14. Silas Johnson, an employee of Defendant, United States Postal Service, failed to drive in a single lane, which constitutes common law negligence and negligence *per se* in violation of the Texas Transportation Code § 545.060;

15. Silas Johnson, an employee of Defendant, United States Postal Service, failed to remain in his lane, failing to give the operator traveling in the opposite direction room to travel, which constitutes common law negligence and negligence *per se* in violation of the Texas Transportation Code § 545.052.

16. Silas Johnson, an employee of Defendant, United States Postal Service, failed to control his speed as necessary and to avoid colliding with another person or vehicle that is on or entering the highway in compliance with law and the duty of each person to use due care to avoid colliding with the vehicle belonging to Plaintiffs, which constitutes common law negligence and negligence *per se* in violation of the Texas Transportation Code § 545.351(b).

17. As a further result of Defendant, United States Postal Service's negligent acts, Plaintiff, Aria Jo Reyna suffered injuries to her face, neck, right shoulder, anxiety, lower back and body in general. Plaintiff, Aria Jo Reyna, suffered and will continue to suffer excruciating pain, agony, and mental anguish. As a further result of Defendant, United States Postal Service's negligent acts, Plaintiff, Aria Jo Reyna has suffered a loss of enjoyment of life.

DAMAGES – PLAINTIFF, ARIA JO REYNA, INDIVIDUALLY

18. As a direct and proximate result, Silas Johnson, an employee of Defendant, United States Postal Service, Plaintiff has required and will continue to require ongoing medical attention and therapy. Plaintiff, Aria Jo Reyna has suffered emotional and psychological injuries. Plaintiff, Aria Jo Reyna has and will continue to employ physicians and other medical care; and has and will continue to incur medical and other reasonable expenses necessary for such past, present, and future medical care and treatment, all damages and losses in an amount to be established by the evidence at trial.

19. As a further proximate result of the aforesaid acts of the Defendant, United States Postal Service, Plaintiff, Aria Jo Reyna, Individually, has incurred hospital, medical, therapeutic and other medically related expenses and believes and therefore alleges, is reasonably certain to incur such hospital, medical and other medically related expenses in the future, all in an amount to be established by the evidence at trial.

20. Thus, Plaintiff, Aria Jo Reyna, Individually, should recover past and future (1) physical pain and suffering, (2) mental anguish, (3) medical care, (4) impairment, (5) loss of consortium, (6) disfigurement, (7) cost of medical monitoring and prevention in the future, and (8) out-of-pocket expenses in an amount subject to proof at trial, for monetary relief over \$200,000.00 but not more than \$1,000,000.00.

DAMAGES – PLAINTIFFS', ARIA REYNA, INDIVIDUALLY AND AS NEXT FRIEND OF R.I., A MINOR

21. As further result of Defendant, United States Postal Service's negligent acts, Plaintiff, Aria Jo Reyna, Individually and as Next Friend of R.I., a minor, was caused to suffer such general and special damages on behalf of Minor Plaintiff, R.I.. Plaintiff, Aria Jo Reyna, Individually should

recover the following damages: Reasonable medical care and expenses in the past and future. These expenses were incurred by Plaintiff, Aria Jo Reyna, Individually and as Next Friend of Minor Plaintiff, R.I. for the necessary care and treatment of the minor's injuries. Specifically, the minor's face, left cheek, left jaw, chin, and body in general, resulting from the accident complained of herein. Minor plaintiff continues to suffer from mental anguish.

22. As a direct and proximate result of Silas Johnson, an employee of Defendant, United States Postal Service, Plaintiff, Aria Jo Reyna, Individually and as next friend of R.I., a minor, have required and will continue to require ongoing medical attention and therapy. Minor Plaintiff, R.I. has suffered emotional and psychological injury. Minor Plaintiff, R.I. has and will continue to employ physicians and other medical care; and has and will continue to incur medical and other reasonable expenses necessary for such past, present, and future medical care and treatment for minor Plaintiff's damages and loss in an amount to be established by the evidence at trial.

23. As a further proximate result Silas Johnson, an employee of Defendant, United States Postal Service, Plaintiff, Aria Jo Reyna, Individually and as next friend of R.I., a minor has incurred hospital, medical, therapeutic and other medically related expenses on behalf of Minor Plaintiff, R.I. and believes and therefore alleges, is reasonably certain to incur such hospital, medical and other medically related expenses in the future, all in an amount to be established by the evidence at trial.

24. Thus, Plaintiff Aria Jo Reyna, Individually and as next Friend of R.I. should recover past and future (1) physical pain and suffering, (2) mental anguish, (3) medical care, (4) impairment, (5) disfigurement, (6) cost of medical monitoring and prevention in the future, and (7) out-of-pocket expenses in an amount subject to proof at trial, for monetary relief over \$200,000.00 but not more than \$1,000,000.00.

JURY DEMAND

Plaintiffs hereby request an eight person jury.

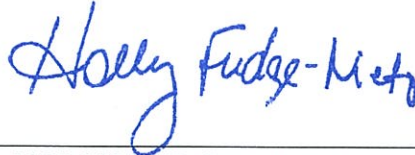
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Aria Jo Reyna, Individually and as Next Friend of R.I., a Minor, respectfully prays that the Defendant United States Postal Service be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs, against Defendant, United States Postal Service, for monetary relief over \$200,000.00 but not more than \$1,000,000.00; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Signed on this the _____ day of December, 2015.

Respectfully submitted,

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